### PATENT COOPERATION TREATY

## **PCT**

# TRANSLATION INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY (Chapter II of the Patent Cooperation Treaty)

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference  10905 os	FOR FURTHER ACTION	See Form PCT/IPEA/416							
International application No.	International filing date (day/mor								
PCT/EP2004/011920	21.10.2004	21.10.2003							
International Patent Classification (IPC) or nati	onal classification and IPC								
A61F13/06									
Applicant LOHRER, Heinz									
1. This report is the international preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36.									
2. This REPORT consists of a total of	<b>4</b> sh	neets, including this cover sheet.							
3. This report is also accompanied by A	NNEXES, comprising:								
a. (sent to the applicant and	to the International Bureau) a tota	al of sheets, as follows:							
	sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative								
	sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. I and the Supplemental								
	Bureau only) a total of (indicate ty	pe and number of electronic carrier(s))							
		, containing a sequence listing and/or tables							
related thereto, in computer readable form only, as indicated in the Supplemental Box Relating to Sequence Listing (see Section 802 of the Administrative Instructions).									
4. This report contains indications relati	ng to the following items:								
Box No. I Basis of the	report								
Box No. II Priority									
Box No. III Non-establi	shment of opinion with regard to n	novelty, inventive step and industrial applicability							
Box No. IV Lack of unit	y of invention								
BON 110. 1	Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement								
Box No. VI Certain doc	uments cited								
Box No. VII Certain defe	ects in the international application	•							
Box No. VIII Certain obse	Box No. VIII Certain observations on the international application								
Date of submission of the demand Date of completion of this report									
Name and mailing address of the IPEA/EP		d officer							
Facsimile No	Telephone	No.							

#### INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.

PCT/EP2004/011920

Box	No. I	Basis of the report						
1.		h regard to the language, this report is based on the internatio cated under this item.	nal application in the language in	which it was filed, unless otherwise				
	This report is based on translations from the original language into the following language which is the language of a translation furnished for the purposes of:							
		international search (Rule 12.3 and 23.1(b))						
		publication of the international application (Rule 12.4						
	*****	international preliminary examination (Rule 55.2 and/						
2.	rece	With regard to the <b>elements</b> of the international application, this report is based on (replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to his report):						
		the international application as originally filed/furnished						
	$\bowtie$	the description:						
		pages <u>1-6</u>		as originally filed/furnished				
		pages*	received by this Authority on					
		pages*	received by this Authority on					
	$\boxtimes$	the claims:						
		nos.		as originally filed/furnished				
		nos.*	as amended (togethe	r with any statement) under Article 19				
		nos.* <u>1</u>	received by this Authority on	03.08.2005 with letter of 03.08.2005				
		nos.*	received by this Authority on					
	$\boxtimes$	the drawings:						
		sheets 1/2,2/2		as originally filed/furnished				
		sheets*						
		sheets*	received by this Authority on					
		a sequence listing and/or any related table(s) – see Supplem						
3.	$\boxtimes$	The amendments have resulted in the cancellation of:						
		the description, pages						
		the claims, nos. 2-11	the claims, nos. 2-11					
		the drawings, sheets/figs						
		the sequence listing (specify):						
		any table(s) related to sequence listing (specify):						
4.		This report has been established as if (some of) the amend they have been considered to go beyond the disclosure as fi						
		the description, pages						
		the claims, nos.						
		the drawings, sheets/figs						
		the sequence listing (specify):						
		any table(s) related to sequence listing (specify):						
*	If ite	em 4 applies, some or all of those sheets may be marked "sup	erseded."					

#### INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.

				rticle 35(2) with regard to novelty, inventive step or industrial applicability;	1920
1.	Statement	citations and explan	ations su	pporting such statement	
1.		OND.		1	
	Novelty	(N)		1	
			Claims		NO
	Inventiv	e step (IS)	Claims	_ 1	YES
			Claims		NO
	Industria	al applicability (IA)	Claims	1	YES
2.	Citations an	d explanations (Rule 7	0.7)		
	1.			ade to the following documents:	
				-	
	D1: US 1538026A.				
	_				
	2.			considered to be the prior art	
document d			o the	subject matter of claim 1. Said	
			discl	oses (the references in parentheses	
			id do	cument): an elastic bandage, as	
described in 1				ines 1-7 of claim 1.	
The subject matter of claim 1 is therefore r			tter of claim 1 is therefore novel		
	(PCT Artic		cle 3	3(2)).	
	3.	The solut:	ion t	o the above problem, as proposed in	
		claim 1 o	f the	present application, involves an	
		inventive	step	(PCT Article 33(3)). The reasons	
		are as fo	llows	: the problem addressed by the	
		present i	nvent	ion can be seen to relate to the	
		concept of	f con	figuring the entire surface of the	
		sole as a	Velc	ro®-type surface in order to allow	
		fast and o	optim	al positioning of the orthopaedic	
			_	lements within the elastic bandage,	
				recedent in the available prior art.	

/...

#### INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

4. Independent claim 1 has not been drafted in the two-part form defined by PCT Rule 6.3(b).

However, in the present case the two-part form would appear to be appropriate. Accordingly, the features known in combination from the prior art should have been placed in the preamble (PCT Rule 6.3(b)(i)) and the remaining features specified in the characterising part (PCT Rule 6.3(b)(ii)).

Contrary to PCT Rule 5.1(a)(ii), the description does not cite D1 or indicate the relevant prior art disclosed therein.

The description is not consistent with claim 1 (PCT Rule 5.1(a)(iii)).